

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 20th day of April, 2009 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Frank Hametner, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: K. M. Hubert, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines, Asst. Police Chief/Harbormaster
Don Brummett, Acting Public Works Director
Frank Truitt, City Inspector
Rickie Kilgore, Fire Chief

OTHERS PRESENT: Lu & Ralph Arcemont, Jeanie Brummett, Shannon Garza, Ernie & Olivia Torres, Ellie Block, Ed Block, Jim & Alpha Covington, John & Anna Chandler, Charlie Marshall, Arnold Govella, JoAnn Biek, Judith Vlasek, Jim Rummage, Joan Dickson, Joe & Maxine Adams, Jane Doss, Elizabeth Roberts, David Underbrink, Jeanne & Randy Hunter, Rosemary Vega/Chamber of Commerce

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on April 20, 2009.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSIDER AND ACT ON APPROVING THE MINUTES OF APRIL 6, 2009.

Council Member Mayer made the motion to approve the minutes of April 6, 2009. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 4. APPRECIATION TO NANCY SCHOENFELD AND ELIZABETH ROBERTS FOR DONATION OF BUTTERFLY IRISES FOR NEWBURY PARK.

Mayor Knight and the Council thanked Nancy Shoenfeld and Elizabeth Roberts for their generous donation of Butterfly Irises to be planted in Newbury Park.

ITEM 5. CONSIDER AND ACT ON REQUEST OF CHAMBER OF COMMERCE FOR THE CITY TO PROVIDE LIABILITY INSURANCE AND ASSISTANCE FROM THE POLICE AND PUBLIC WORKS DEPARTMENTS FOR THE 2009 SHRIMPOREE AND PERMIT WAGNER’S CARNIVAL TO OPEN ON THURSDAY EVENING (JUNE 11, 2009) PRIOR TO SHRIMPOREE.

After a short discussion regarding the City furnishing liability insurance and police assistance in past years, Council Member Mayer made the motion to approve the request of Chamber of Commerce for the City to provide liability insurance and assistance from the Police and Public Works Departments for the 2009 Shrimporee and permit Wagner’s Carnival to open on Thursday evening (June 11, 2009) prior to Shrimporee. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 6. CONSIDER AND ACT ON AUTHORIZING AN APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR AN EXPANSION AND AN AMENDMENT TO THE ARANSAS PASS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR WATER AND SEWER SERVICE RIGHTS.

David Underbrink with Naismith Engineering displayed and explained maps regarding the northern areas outside the city limits considered for and expansion of the City's water and sewer service rights.

Council Member Hametner made the motion to authorize an application to the Texas Commission on Environmental Quality for an expansion and an amendment to the Aransas Pass Certificate of Public Convenience and Necessity for water and sewer service rights. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 7. CONSIDER AND ACT ON APPROVING ORDINANCE NO. 2009-3956 – ADOPTING A POLICY FOR THE ACCOMMODATION OF UTILITY FACILITIES WITHIN CITY RIGHTS-OF-WAY; PROVIDING A REPEALER CLAUSE; AND ADOPTING AN EFFECTIVE DATE.

David Underbrink with Naismith Engineering stated the Texas Department of Transportation (TXDOT) was scheduled to improve a section of N. Avenue A at Wheeler Avenue. He stated TXDOT had requested a policy that stated, in writing, that TXDOT had the approval of the City to use the City's rights-of-way to improve a section of N. Avenue A.

Mayor Pro Tempore Attaway made the motion to approve Ordinance No. 2009-3956 – adopting a policy for the accommodation of utility facilities within City rights-of-way; providing a repealer clause; and adopting an effective date of April 6, 2009. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 8. CONSIDER AND ACT ON APPROVING AN ENGINEERING CONTRACT WITH NAISMITH ENGINEERING, INC., IN REGARDS TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT BOATING ACCESS GRANT (\$267,750) AND BOATING INFRASTRUCTURE GRANT (\$951,000) FOR CONN BROWN HARBOR IMPROVEMENTS.

Mayor Pro Tempore Attaway asked Mr. Underbrink was the fee based on a percentage?

David Underbrink with Naismith Engineering stated their fee was based on services such as permitting and design services and totaled approximately 7% to 8% of the grant.

Mayor Pro Tempore Attaway made the motion to approve an engineering contract with Naismith Engineering, Inc., in regards to the Texas Parks and Wildlife Department Boating Access Grant (\$267,750) and Boating Infrastructure Grant (\$951,000) for Conn Brown Harbor improvements. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 9. PUBLIC HEARING ON THE REQUEST OF ORLANDO AND SHANNON GARZA TO REZONE TO MOBILE HOME DISTRICT (MH). THE PROPERTY IS DESCRIBED AS FARM LOT 8, LAND BLOCK 209, CITY OF ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED RESIDENTIAL DISTRICT (R7A).

City Attorney Allen Lawrence declared the Public Hearing open at 7:12 p.m. on the request of Orlando and Shannon Garza to rezone Farm Lot 8, Land Block 209 from R7A (Residential) to Mobile Home District (MH). He stated he understood all proper notices were given and the Planning and Zoning Commission had met and recommended approval. He asked Mrs. Garza to speak for her request.

Shannon Garza stated the Council had approved the rezone of their property, Farm Lot 7 adjacent to this property, and they were asking the Council to rezone Farm Lot 8 (Land Block 209).

Council Member Abrego asked Mrs. Garza what was the purpose of the rezone?

Mrs. Garza stated, initially, they (she and her husband) had planned to expand their mobile home park, but now intended to sell both properties. She stated the sale of the property was conditioned upon the rezoning of the property to Mobile Home District.

The City Attorney asked if there was anyone present opposed to the application. Seeing no one, the City Attorney closed the Public Hearing at 7:14 p.m.

ITEM 10. **CONSIDER AND ACT ON REQUEST OF ORLANDO AND SHANNON GARZA TO REZONE TO MOBILE HOME DISTRICT (MH). THE PROPERTY IS DESCRIBED AS FARM LOT 8, LAND BLOCK 209, CITY OF ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED RESIDENTIAL DISTRICT (R7A).**

Mayor Pro Tempore Attaway made the motion to approve the request of Orlando and Shannon Garza to rezone to Farm Lot 8, Land Block 209 from Residential District to Mobile Home District (MH). Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 11. **PUBLIC HEARING ON THE REQUEST OF CHARLIE MARSHALL FOR A CONDITIONAL USE PERMIT TO PLACE A MOBILE HOME BEHIND THE FUNERAL HOME FOR A SECURITY GUARD TO STAY IN WHILE PROTECTING THE PREMISES. THE PROPERTY IS DESCRIBED AS PART OF TRACT 3 & 4, LAND BLOCK 72, TP MCCAMPBELL ADDITION, 2003 W. WHEELER, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED GB (GENERAL BUSINESS).**

City Attorney Allen Lawrence declared the Public Hearing open at 7:15 p.m. on the request of Charlie Marshall for a Conditional Use Permit to place a mobile home behind the funeral home for a security guard to stay in while protecting the premises. The property is described as part of Tract 3 & 4, Land Block 72, TP McCampbell Addition, 2003 W. Wheeler, Aransas Pass, Texas, San Patricio County. The property is zoned GB (General Business). He stated the Planning and Zoning Commission had met and recommended approval for two years. He asked was anyone present to speak for the request?

Attorney Arnold Govella stated he would speak on Mr. Marshall's behalf. He stated Marshall Funeral Home had been broken into several times and Mr. Marshall wanted to place a mobile home in the back of the funeral home to house a security guard for the premises.

The City Attorney asked if there was anyone present opposed to the application.

Robert Stoddard stated not that he was opposed to the request but he thought Conditional Use Permits were intended to have conditions as the title stated. He stated a two-year period was not enough condition to him. He stated the application for the conditional use permit stated there would not be any separate utilities. He stated he thought the conditions should be part of the motion – two-year period, no separate utilities, and thought the size of the mobile home should be limited and suggest the size be limited to no larger than 16' by 50'.

The City Attorney stated was there anyone else opposed to the application, seeing none he asked Mr. Govella did he have a response to Mr. Stoddard?

Mr. Govella stated the mobile home Mr. Marshall would place on the property was within the guidelines stated by Mr. Stoddard.

The City Attorney asked was there any comments or questions from the Council?

Council Member Hametner stated Mr. Stoddard did not set the guidelines for the City.

The City Attorney asked if there were any other comments? Seeing no one, the City Attorney closed the Public Hearing at 7:17 p.m.

ITEM 12. **CONSIDER AND ACT ON THE REQUEST OF CHARLIE MARSHALL FOR A CONDITIONAL USE PERMIT TO PLACE A MOBILE HOME BEHIND THE FUNERAL HOME FOR A SECURITY GUARD TO STAY IN WHILE PROTECTING THE PREMISES. THE PROPERTY IS DESCRIBED AS PART OF TRACT 3 & 4, LAND BLOCK 72, TP MCCAMPBELL ADDITION, 2003 W. WHEELER, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED GB (GENERAL BUSINESS).**

Mayor Knight stated he had checked the site for the mobile home. He described the boundaries of the site and stated he did not think anyone would see the mobile home from the road.

Council Member Hametner made the motion to approve the request of Charlie Marshall for a Conditional Use Permit to place a mobile home behind the funeral home for a security guard to stay in while protecting the premises for two years. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 13 **CITIZENS' COMMENTS.**

San Patricio County Commissioner Jack Cheaney also recognized Annette Schonhoeft and her staff for the excellent job they were doing.

Mayor Pro Tempore Attaway made the motion to adjourn the meeting. Council Member Mayer seconded the motion and the motion carried unanimously.

Tommy Knight, Mayor

Ada Owens, City Secretary